

ROBERT DEVENCENTI
Name

1032818
Identification Number

ELY STATE PRISON
Correctional Institution

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DEVENCENZI,
Petitioner,

vs.

TUCKER, ET AL, et al.,
Respondent

3:22-cv-00353-MMD-CLR

EX PARTE MOTION FOR
APPOINTMENT OF COUNSEL

COMES NOW DEVENCENZI, R, in Proper Person, and moves this Court for its order allowing the appointment of counsel for Petitioner. This motion is made and based in the interest of justice.

Pursuant to Title 18 § 3006A. of the Federal Rules of Criminal Procedure,

(2) Whenever the United States magistrate or the court determines that the interests of justice so require, representation may be provided for any financially eligible person who ...

* * *

(B) is seeking relief under section 2241, 2254, 2255 of title 28.

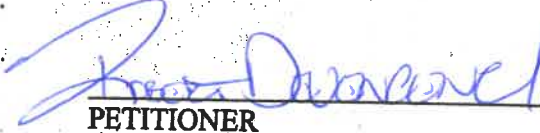
The Court must appoint counsel where the complexities of the case are such that denial of counsel would amount to a denial of due process, Brown v. United States, 623 F.2d 54, 61 (9th Cir. 1980), and/or where the petitioner is a person of such limited education as to be incapable of presenting his claims in such a way that the Court can afford him a fair hearing, see Hawkins v. Bennet, 423 F.2d 948 (8th Cir. 1970).

Petitioner alleges that the issues in this case are complex, that petitioner is unable to adequately present the claims without the assistance of counsel, and that Petitioner is unable to retain private counsel to represent him

Petitioner hereby respectfully requests that the Court appoint counsel for the reasons stated above.

DATED this 14 day of August, 2023.

Respectfully submitted,


PETITIONER

AFFIDAVIT OF:

ROBERT DEVENCENZI

STATE OF NEVADA)

COUNTY OF WHITE PINE)

TO WHOM IT MAY CONCERN:

I, DEVENCENZI, ROBERT the undersigned, do hereby swear that all statements, facts and events within my foregoing Affidavit are true and correct of my own knowledge, information and belief, and to those, I believe them to be true and correct.

Signed under the penalty of perjury pursuant to NRS 208.165 :

I AM AN INDIGENT INMATE HOUSED AT ELY STATE PRISON, NDOC.
I CAN NOT AFFORD TO HIRE A PRIVATE ATTORNEY. I RECEIVED A COURT
ORDER FOR CASE 3:22-CV-00353-MMD-CLB. I AM UNSURE HOW
TO COMPLY WITH THIS ORDER NOR HOW TO PROCEED. THE ABOVE
ORDER CONTAINS FEDERAL RULES OF CIVIL PROCEDURE & LOCAL
RULES THAT I CAN NOT INTERPRET. I ALSO FEEL
IT WOULD BE MORE BENEFICIAL FOR THE COURT.

EXECUTED AT: Ely State Prison, this 14 Day of August 2023

BY:

ROBERT DEVENCENZI NDOC# 1032818

(SIGNATURE)